United Nations A/HRC/29/10

General Assembly

Distr.: General
26 March 2015

Original: English

Human Rights Council
Twenty-ninth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Kenya

* The annex to the present report is circulated as received.

GE.15-06459

1506459

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-first session from 19 to 30 January 2015. The review of Kenya was held at the 7th meeting, on 22 January 2015. The delegation of Kenya was headed by Githu Muigai, Attorney General of the Republic. At its 14th meeting, held on 27 January 2015, the Working Group adopted the report on Kenya.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Kenya: China, Germany and Namibia.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Kenya:

(a) A national report submitted/written presentation prepared in accordance with paragraph 15 (a) (A/HRC/WG.6/21/KEN/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/21/KEN/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/21/KEN/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, the Netherlands, Norway, Slovenia, Spain, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Kenya through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation of Kenya, headed by Githu Muigai, Attorney General of the Republic, affirmed the commitment of Kenya to the UPR mechanism. The second review was particularly important because it provided an opportunity for States to account for the promises made during the first review. Kenya underlined the implementation of a number of the recommendations made in the first UPR review and that others were in the process of being implemented through policy development initiatives and programmatic interventions.

6. Kenya stated that, since the previous UPR review, it had promulgated a new and robust Constitution. The country has been in a period of constitutional and political transition, implementing the various aspects of the new Constitution through direct constitutional actions, mandatory legislative interventions, requisite policy development and institutional reforms. Despite those achievements, a number of challenges, such as poverty, corruption, terrorism and disease, continued to threaten the progress made by the Government.

7. Kenya emphasized that the holding of peaceful elections in March 2013 should be underscored, given that the previous elections had been fraught with violence and had almost tipped Kenya into an abyss of chaos. The elections were adjudged by many

international observers to be free, fair and credible. The holding of peaceful election bore testimony to the many reforms undertaken by the Government.

8. The preparation of the national report followed an all-inclusive and participatory process that brought together government agencies, national human rights institutions, civil society organizations and OHCHR.

9. Kenya stated that, during the review in 2010, it had accepted 149 recommendations out of the 150 given. On the basis of the recommendations accepted in that review, wide ranging reforms had been undertaken to improve access to justice, the rule of law and access to economic and social rights, particularly for the poor and the vulnerable.

10. Of specific mention was the entrenchment in the Constitution of the Kenya National Commission on Human Rights, the National Gender and Equality Commission and the Commission on Administrative Justice. This entrenchment provided the Commissions with the necessary independence to monitor the observance of human rights in the country by both public and private bodies.

11. Turning to the criminal justice system, Kenya indicated that wide ranging reforms in the justice sector had seen the creation of a strong judiciary that was adequately empowered to uphold the supremacy of the Constitution, improve the administration of justice, enforce the respect for human rights and ensure that legislation and government actions were in line with constitutional provisions. The judiciary benefitted from a distinctly independent and considerably enhanced budget, selected its judges independently and had undertaken an elaborate process for the vetting of judicial officers.

12. In ensuring the transformation of the police service, Kenya reported that various constitutional, legislative and administrative measures had been taken. All police officers were undergoing a vetting process against a set of criteria relating to professionalism, integrity, performance record and psychological fitness. More than 17,000 police officers have been trained and sensitized on the respect for human rights. An independent police oversight authority was established in 2011.

13. With regard to recommendations concerning the humanizing of correctional facilities, Kenya noted the efforts made to reduce overcrowding in correctional facilities and create a more humane environment.

14. In order to protect and empower women and promote girls, Kenya stressed that measures had been taken, including the constitutional guarantee for women to contest elections and seek other appointive positions; the achievement of gender parity in primary school enrolment; and the enactment of legislation to increase women's access to land ownership and use through inheritance and personal acquisition. It also noted that the enactment of the Prohibition of Female Genital Mutilation Act 2011, aimed at preventing and punishing female genital mutilation, which had been practised by a few communities in the country, was a key milestone.

15. With regard to the recommendations on the prevention of torture, Kenya stated that the Constitution provided safeguards for the prevention of torture. It noted that the Prevention of Torture Bill 2014 had been drafted through a consultative process and was awaiting submission to the Cabinet for approval. Furthermore, it noted that the training curriculum for police officers incorporated practical training on the respect for human rights, including the prohibition of torture and ill-treatment, which were also strongly prohibited under the Police Service Act.

16. Kenya noted that it had received recommendations on the status of internally displaced persons and that it had taken significant measures to settle all persons who had been displaced after the 2007 elections and forest evictions.

17. In relation to the protection of the right of freedom to information, Kenya mentioned the development of the Access to Information and Data Protection Bills 2013, aimed at giving effect to article 35 of the Constitution of Kenya, which provides for citizens' right to gain access to information held by the Government and its agencies. The Bills have been published and are awaiting consultation and tabling in parliament.

18. Kenya reported that it continued to cooperate fully with human rights special procedures and mandate-holders from the United Nations and the African human rights system. It has hosted the Special Rapporteur on the human right to safe drinking water and sanitation and the Special Rapporteur on the human rights of internally displaced persons.

19. Kenya emphasized that it had cooperated and continued to cooperate fully with the International Criminal Court, in accordance with its obligations under the Rome Statute. Despite protocol and professional etiquette demanding that Kenya not disclose the actual nature of this cooperation, the Government of Kenya has provided all the required documentation, given access to court files and witness testimonies and granted the Court the requisite immunities and privileges to support its activities.

20. Kenya also emphasized that it had put in place measures to give effect to socioeconomic rights, despite huge budgetary challenges experienced by the country.

21. To improve access to water and sanitation, particularly in arid and semi-arid areas, the Maruba Dam was completed in the Machakos area, with water storage capacity and treatment capacity serving 100,000 people. In Nairobi, the Sasumua Dam has been rehabilitated substantially to reduce water shortage.

22. Concerning the food security situation, the Government, through the Ministry of Agriculture, Livestock and Fisheries, has various projects in place to address food security challenges.

23. To improve the quality of education and ease the financial burden on many households, the allocation of free tuition in secondary schools and free primary education has been increased by 33 per cent in the 2014–2015 fiscal budget. This was a major step towards ensuring that primary schooling and secondary education was truly free within the following three years. Efforts have also been made to ensure that no child misses out on school owing to poverty.

24. The Government of Kenya has committed itself to ensuring the right to adequate housing through a number of policies, as well as legislative and programmatic interventions. Other interventions include encouraging the private sector to invest in affordable quality housing through a variety of incentives, and the introduction of appropriate cost-effective building technology.

25. With regard to the recommendations made on the protection of indigenous peoples, Kenya stated that its Constitution provided several avenues for the protection and strengthening of indigenous peoples' personal and collective rights. Indigenous communities' issues were addressed within the purview of vulnerable and marginalized groups.

26. Kenya highlighted a few achievements of the Government since the previous review, including the creation of and seamless transition to a devolved system of government from the centralized system, with little disruption to service delivery.

27. With regard to gender equality, Kenya emphasized that more than 21 per cent of parliamentary representatives were female, the highest ever in the country's history. The Government of Kenya abolished all maternity charges in public facilities in June 2013, a measure that has helped to reduce maternal mortality rates.

28. Concerning terrorism, Kenya indicated that it had on several occasions become a victim of terror attacks, which have had a negative impact on the full realization of human rights and fundamental freedoms. Lives had been lost and property destroyed. Travel advisories issued against Kenya have dealt a blow to the tourism industry, which plays a very important role in the national economy. Guided by relevant United Nations resolutions, Kenya has embarked on establishing the institutional, policy and legal structures to safeguard the security of the nation from terrorism. The recent Security Laws Amendment Act 2014 had been perceived as likely to hinder the enjoyment of human rights and freedoms. This suggestion was unfounded. A review of the Act will reveal its similarities to legislation in comparable jurisdictions.

29. Kenya invited the international community and the members of the Working Group on the Universal Periodic Review to form partnerships with it, provide it with support towards the realization of human rights awareness campaigns and offer greater international support for the provision of services to the refugee population hosted in Kenya.

B. Interactive dialogue and responses by the State under review

30. During the interactive dialogue, 96 delegations made statements. The recommendations made during the dialogue can be found in section II of the present report.

31. Serbia encouraged Kenya to invest further efforts in preventive care so as to improve the health of the general population.

32. Sierra Leone commended Kenya for the progress made since its first review and on the democratic general elections of 2013.

33. Singapore took note that Kenya had made progress in achieving the goals of its Vision 2030 since the first review.

34. Slovakia expressed concern regarding attacks and threats against human rights defenders and media. It encouraged Kenya to ensure that schools are provided with sufficient funds.

35. Slovenia referred to its previous recommendation on ending female genital mutilation and called on Kenya to ensure the enforcement of the Prohibition of Female Genital Mutilation Act 2011.

36. South Africa encouraged Kenya to continue all efforts towards the promotion of human rights, including the right to development.

37. South Sudan commended Kenya for the holding of free and fair elections in 2013, and the empowerment of persons with disabilities.

38. Spain commended the introduction of the new Constitution in 2010 and the recognition in this Constitution of the right of access to water.

39. Sri Lanka commended Kenya on the implementation of the recommendation in its first UPR review to enshrine a bill of rights within the new Constitution.

40. The Sudan commended the holding of peaceful elections in 2013 and the legislative and policymaking developments in the field of human rights.

41. Sweden expressed concerns regarding media legislation, the implementation of the Kenyan Public Benefits Organization Act and the criminalization of consensual adult same-sex conduct.

42. Switzerland expressed concerns regarding violations of journalists' human rights, and Kenya's refusal to cooperate with the International Criminal Court, despite ratifying the Rome Statute.

43. Thailand welcomed the promulgation of the new Constitution containing a bill of rights that provides explicit protection to vulnerable and marginalized populations.

44. Timor-Leste noted positive steps, including the adoption of the Counter-Trafficking in Persons Act and developments relating to women and children's rights.

45. Togo encouraged Kenya to give priority to implementing the recommendations of the Truth, Justice and Reconciliation Commission.

46. Trinidad and Tobago noted efforts to improve the quality of life and strides to bolster food security and agriculture.

47. Tunisia encouraged Kenya to complete its human rights legal arsenal and welcomed the creation of the Independent Policing Oversight Authority and the witness protection programme.

48. Turkey commended the successful 2013 general elections. It noted that Kenya faced compound security challenges and reiterated its support in the fight against terrorism.

49. The United Arab Emirates commended progress made, in particular legal reforms and the modernization of the legal apparatus.

50. The United Kingdom of Great Britain and Northern Ireland stated that the reports of abuses by security forces demonstrated a need for greater accountability and civilian oversight.

51. The United States of America expressed concern about reports of excessive force by security forces in counter-terrorism efforts and urged Kenya to uphold constitutional rights.

52. Uruguay urged Kenya to adopt measures such as awareness-raising campaigns to address the difficulties faced by persons with albinism to gain access to basic services.

53. Uzbekistan commended Kenya on the adoption of the new Constitution, the establishment of the National Commission on Human Rights and judicial reforms.

54. The Bolivarian Republic of Venezuela highlighted measures undertaken in education and in particular those aimed to ensure free tuition in schools.

55. Yemen noted the adoption of laws, including in the area of combating human trafficking and prohibiting female genital mutilation.

56. Zimbabwe commended Kenya on organizing human rights awareness campaigns as well as human rights training for public officials.

57. Albania noted that the rates of maternal mortality and transmission of HIV/AIDS from mother to child remained high.

58. Algeria welcomed efforts made to promote the enjoyment of human rights, in particular economic, social and cultural rights, and to combat violence against women.

59. Angola commended Kenya on modernizing and restructuring the judiciary in order to ensure effective and transparent administration of the judiciary.

60. Argentina expressed concern about the lack of measures to implement the report of the Truth, Justice and Reconciliation Commission.

61. Armenia noted with appreciation the efforts to promote the right to education and gender equality.

62. Australia expressed concern about lack of justice and accountability in relation to the 2007–2008 post-election violence, as well as about intimidation and ill-treatment of civil society representatives.

63. Austria remained concerned that female genital mutilation persisted and that implementation of the relevant laws was inadequate.

64. Bangladesh stated that, despite existing challenges, Kenya had made progress in the areas of health care and promoting equality between men and women.

65. Belarus noted the active cooperation of Kenya with the United Nations treaty bodies and OHCHR, as well as the efforts to eliminate poverty.

66. Belgium inquired about the implementation of the Independent Policing Oversight Authority Act of 2011, and noted with appreciation the humanitarian efforts of Kenya.

67. Benin urged Kenya to reform police services and abolish the death penalty. It called upon the international community to support the efforts of Kenya with a view to achieving socioeconomic development and promoting human rights.

68. Botswana welcomed the adoption of the Constitution and laws regarding female genital mutilation, human trafficking and the judiciary.

69. Brunei Darussalam commended Kenya on measures undertaken to provide housing to all, including young people, women and persons with disabilities, and to address environmental issues.

70. Cabo Verde noted legislative reforms in the areas of justice and anti-corruption, as well as women's representation in the elected bodies.

71. Canada noted with concern reports of extrajudicial killings, torture, mass arbitrary detentions and extortion by the police.

72. The Central African Republic highlighted the enactment of the new Constitution, a law prohibiting female genital mutilation, a law against the trafficking of persons and the judicial reform.

73. Chile underlined the enactment of the new Constitution with a view to enhancing a constitutional, legal and institutional framework in order to strengthen human rights.

74. China commended Kenya for conducting the judicial reform; promoting good governance, transparency and efficiency in the judiciary; and addressing impunity.

75. Colombia commended the steps taken by Kenya to implement the recommendations from its first UPR review, as well as its transparency and collaboration with the human rights mechanisms.

76. Comoros commended the enactment of the 2010 Constitution and adoption of the mid-term development plan 2013–2017.

77. The Congo encouraged Kenya to continue its efforts to strengthen national security in order to reduce the number of terrorist acts that had an undeniable impact on its economic growth.

78. Costa Rica highlighted the robust legal framework as well as judicial reforms in order to have robust and independent mechanisms capable of monitoring the effective promotion and protection of human rights.

79. Cuba noted progress in reforms of the judicial system and police, the protection of women, assistance for internally displaced persons and the fight against corruption.

80. Responding to questions, Kenya indicated that, since the adoption of the Constitution in 2010, it had promulgated a piece of legislation that addressed the questions of how Kenya ratified treaties and processed them into domestication legislation.

81. Regarding human rights defenders, Kenya stated that it was committed to open, transparent and democratic constitutional system. Kenya welcomed the work of independent human rights defenders. It underlined the actions that had been taken by the Government in a few cases of interference in the work of human rights defenders. Kenya reported that none of them was being detained in the country.

82. Regarding the International Criminal Court, Kenya stressed that its relationship with the Court was very much misunderstood. It indicated that it had been among the first countries to negotiate, ratify and domesticate the Rome Statute. It said that it would therefore be untrue to suggest that Kenya had been a reluctant participant in the work of the Court. Besides, major critical voices had come from countries that were not themselves parties to the Court. Kenya had fully cooperated with the Court since an investigation into the situation in Kenya was opened six years ago. Kenya had an extensive range of agreements with the Court and had provided immunities and privileges for the officials of the Court to work in Kenya. A permanent investigator and other officials of the Court moved freely in the country. Kenya had supplied the Court with all of the information and material that it was its duty to under Kenya laws and according to its interpretation of its international obligations. Kenya stressed that a case concerning Kenya was ongoing before the Court. The witnesses in that case were testifying in locations provided by the Government through communication equipment in a manner that had been secured by the Government. Criticism that Kenya had impended the work the Court was most regrettable and untrue.

83. Kenya reported that it had come through a long period of national dialogue on the new Constitution. Critical social issues had been put to the various forums in which the Constitution was negotiated. The issues included abortion, death penalty and sexual identity, and particularly the use of criminal law in such cases. The issues had been divisive and the requisite political and social consensus on them was a work-in-progress. In the meantime, Kenya had not carried out any execution since 1987. On the rights of lesbian, gay, bisexual or transgender persons, Kenya stated that no individual could confirm that criminal law had been applied to them on the basis of his/her sexual orientation. It also stated that the judiciary had intervened in progressive ways, such as directing the Government to recognize the right of those who wanted to change their sexual identify in governmental documents.

84. Concerning terrorism, the question of the counter-terrorism initiatives of Kenya arose in the context of the recent Security Laws Amendment Act 2014. Kenya reiterated that the amendments had been consistent with the Constitution. The Act was pending in the High Court, which had the final pronouncement.

85. As regards gender equality and reproductive health rights, Kenya indicated that it had made very good progress in terms of gender inclusion. For example, 17 per cent of the members of the boards of private companies were women, and the highest rate of female representation in the public sector was 40 per cent. In August 2015, the Supreme Court decided that Kenya should have a framework in place to ensure the constitutional quota of women in the National Assembly and the Senate.

86. The Persons with Disability Act provided for the establishment of the National Development Fund for Persons with Disability, which became fully operational in 2009–2010. In 2014, after a delay, the second Board of Trustees had been appointed and announced in the Official Gazette.

87. On the adoption of children, Kenya indicated that it had acceded to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. It stated that it had developed guidelines on adoption, and that the National Adoption Committee handled the process on intercountry adoption. It also stated that street children were protected on an equal basis to other children under the care and protection measures established by the Children Act, 2001. The Street Family Rehabilitation Trust Fund had been established and street children were given protection, education, care and vocational training.

88. Kenya recognized that the judiciary was understaffed. Staff mapping and a skills exercise had recently been concluded with a view to addressing the staffing needs. It was, however, encouraging to note that the number of judiciary officers and magistrates had increased, as had the budget. The judiciary was committed to implementing the judiciary framework for the period 2012–2015.

89. Kenya stressed that its vibrant civil society organizations were continuously called upon to partner with the Government in the formulation of policies, legislation and programmatic processes in line with the Constitution. Civil society organizations had been involved in many processes, including in the preparation of the UPR report. Following a request by non-governmental organizations to review the proposed amendment to the Public Benefits Organization Act, the Government had set up a task force in December 2014 to explore options, secure a consensus and receive recommendations regarding the amendment.

90. Concerning poverty alleviation, the Government had reviewed the 2009 national policy on older persons and aging and the Persons with Disabilities Act to align them with the Constitution. The Government had enacted the Social Assistance Act 2013, which created an authority that was mandated with the provision of social assistance in the form of financial or social services.

91. The Government was committed to implementing the recommendations contained in the report of the Truth, Justice and Reconciliation Commission. In December 2013, the National Assembly debated and passed an amendment to the Truth, Justice and Reconciliation Commission Act to effectively allow the National Assembly to consider the report of the Commission and to provide for the immediate implementation of the recommendations contained therein. In accordance with the amendment, the Government had created an inter-agency committee to examine the recommendations, as well as the nature and scope of the implementation framework. Many of the recommendations were already being implemented.

92. On the situation of refugees, Kenya had largely pursued an open door policy by allowing a free flow of refugees into the country. That policy was characterized by the liberal admission of refugees. Despite challenges with respect to the high number of refugees and to terrorism-related incidents, Kenya was still committed to its obligations and the terms of the tripartite agreement regarding the safe and dignified voluntary repatriation of refugees to Somalia in line with international law.

93. On extrajudicial killings, torture and forced disappearance, Kenya indicated that the excessive use of power and the abuse of office by law enforcement agencies were considered criminal acts that were punishable by law. The Government had introduced police reforms, including the creation of the Independent Policing Oversight Authority, staffed by civilians.

94. The Czech Republic appreciated the information on the implementation of previous UPR recommendations.

95. The Democratic Republic of the Congo requested information on the recommendations of the Truth, Justice and Reconciliation Commission and the decentralization of the administration.

96. Denmark encouraged Kenya to take action against the incitement of hatred against lesbian, gay, bisexual, transgender or intersex persons and remove barriers for their access to health services.

97. Djibouti commended the enactment of the new Constitution that strove to strengthen and protect human rights.

98. Egypt noted the enactment of the new Constitution and establishment of the National Commission on Human Rights and the Commission on the Administration of Justice.

99. Estonia encouraged Kenya to continue efforts to become party to all the main international human rights instruments.

100. Ethiopia commended the projection of its Vision 2030 initiative to become a middle-income country and encouraged Kenya to further strengthen its efforts to tackle poverty.

101. Finland made recommendations on the fight against terrorism and for women's rights.

102. France commended the constitutional and legislative reforms undertaken since the last UPR review to increase the respect for human rights.

103. Gabon commended the submission of several reports to treaty bodies, the enactment of the new Constitution and the launch of a number of judicial reforms.

104. Germany expressed concerns about the increasing number of human rights violations, in particular against asylum seekers and refugees, and reports of unlawful killings by police.

105. Ghana commended the enactment of a new Constitution and the promotion of strong institutions with a view to strengthening human rights.

106. Greece expressed concern regarding delays in enacting new national policies on freedom of information and expression.

107. The Holy See noted steps taken to protect migrants, ensure greater access to education and towards the fulfilment of basic needs.

108. India welcomed various actions to safeguard women's empowerment, while noting challenges in combating female genital mutilation.

109. Indonesia noted various actions taken to address poverty, including credit facilities and the creation of the Constituency Development Fund.

110. Ireland urged Kenya to ensure that its security procedures were in accordance with international human rights principles and expressed concern at reports of intimidation of human rights defenders.

111. Israel recognized national security challenges given the upsurge in terrorist attacks and noted the measures taken to simultaneously protect citizens and respect human rights.

112. Japan welcomed the expansion of rights and the promotion of devolved governance under the new Constitution. It hoped that the resulting progress in rural development would advance human rights in Kenya.

113. Kuwait noted with interest the national report on the efforts made to implement the recommendations previously accepted, and the progress achieved in advancing national priorities.

114. Latvia expressed concerns about torture and extrajudicial killings and attacks on journalists, bloggers and media workers, as well as the lack of cooperation with International Criminal Court investigations.

115. Lesotho commended efforts resulting from the first review. It referenced national priorities and initiatives for the advancement of human rights.

116. Libya credited progress in the implementation of recommendations accepted during the first cycle and commended the goal towards achieving free education.

117. Liechtenstein noted the International Criminal Court case and urged that responses to terrorist threats comply with international obligations.

118. Lithuania commended the introduction of a moratorium on the death penalty and welcomed the enactment of the Prohibition of Female Genital Mutilation Act 2011.

119. Madagascar encouraged Kenya to continue its programmes on health, justice, education, employment and combating poverty in Kenya.

120. Malaysia referenced the implementation of previous recommendations on combating gender-based violence and trafficking in women and girls, and lauded the adoption of the National Policy and Action Plan on Human Rights.

121. Mali referenced economic and social achievements and efforts to implement previously accepted recommendations.

122. Mauritania commended achievements in human rights, including progress in the areas of justice, education and health, and the protection and empowerment of women in public life.

123. Mauritius commended Kenya's commitment to human rights and the inclusion of rights-based approaches in the Constitution.

124. Mexico welcomed the new Constitution and noted its economic, social and cultural rights provisions and protection of vulnerable groups.

125. Montenegro requested information on activities to eliminate child prostitution and trafficking, as well as on violence against street children and the lack of appropriate care for them.

126. Morocco commended judicial and legal aid reform and praised the proactive role of national institutions in promoting human rights.

127. Myanmar commended the adoption of legislative and policy measures that enabled better enjoyment of human rights and fundamental freedoms.

128. Namibia welcomed the formulation of policies that aim to enhance the enjoyment of rights and make the International Bill of Human Rights a reality for Kenyans.

129. The Netherlands expressed concerns about restrictive legislation on civil society and emphasized the need to ensure that counter-terrorism measures conform to human rights obligations.

130. Nicaragua welcomed the review of a large number of laws as a sign that the UPR was bearing fruit, and noted progress in gender equality.

131. The Niger commended the strengthening of the legal and institutional framework for human rights protection and a progressive bill of rights.

132. Norway acknowledged the important role of civil society in development and the commitment of Kenya to ensuring that extractive industries comply with human rights.

133. The Philippines noted with appreciation the expansion of human rights protection, and the progressive realisation of socioeconomic rights.

134. Poland acknowledged progress on legal and institutional frameworks for combating female genital mutilation.

135. Portugal commended cooperation with the special procedures of the Human Rights Council and noted the existing moratorium on the death penalty.

136. The Republic of Korea welcomed the new Constitution, which provides better protection and fulfilment of human rights as well as improvements in political and governance structures.

137. The Russian Federation commended judicial reform, the creation of the Judges and Magistrates Vetting Board and reform in the police and penitentiary system.

138. Rwanda commended progress on human rights since the first review of Kenya and appreciated its significant role in upholding the core values of the East Africa Community.

139. Senegal commended the significant progress of Kenya on human rights since its first review. It praised the "Vision 2030" initiative as important for promoting poverty reduction and economic development.

140. Brazil referred to the remaining challenges, including in the area of freedom of expression and association, and the rights of lesbian, gay, bisexual or transgender persons.

141. Kenya stressed that it was in the process of enacting the amendment to the Children Act to increase the age of criminal responsibility from 8 to 12 years. As regards post electoral violence, various efforts had been made. Some prosecutions had been completed and others were pending in courts. Kenya also highlighted efforts addressing the issue of internally displaced persons and the enactment of the Victim Protection Act 2014 in line with the recommendations of the report of the Truth, Justice and Reconciliation Commission. On the issue of lesbian, gay, bisexual or transgender persons, Kenya reported that a policy had been developed by the Ministry of Health specifically relating to them. Concerning indigenous peoples, measures had been taken to protect them and conflicts that had emerged had been settled within the law. Finally, Kenya thanked States and non-governmental organizations for the very positive contributions they had made to its review. It assured them of its commitment to both the UPR and the United Nations human rights mechanisms.

II. Conclusions and/or recommendations**

142. **The recommendations formulated during the interactive dialogue and listed below have been examined by Kenya and enjoy the support of Kenya:**

142.1. **Consider ratifying all outstanding international instruments and continue to domesticate such instruments (Lesotho);**

142.2. **Pursue efforts to adopt international human rights instruments to which the country is not yet a party (Nicaragua);**

** The conclusions and recommendations have not been edited.

142.3. **Continue to review its laws and policies to bring them in conformity with the Constitution and to promote the rule of law, inclusiveness and an effective two-tier government (Singapore);**

142.4. **Review its Penal Code to align it with the Constitution (Sweden);**

142.5. **Consider the human rights elements with regard to the amendment of the security bill in the spirit of the new Constitution (Republic of Korea);**

142.6. **Ensure the full operationalization of the National Policy and Action Plan on Human Rights (South Africa);**

142.7. **Continue its efforts to establish an institutional and legislative framework for the provision of affordable legal aid and awareness services for all (Sudan);**

142.8. **Increase efforts to strengthen human rights education in the country (Uzbekistan);**

142.9. **Continue to strengthen national capacity for the effective implementation of the National Programme and Plan of Action in the area of human rights (Belarus);**

142.10. **Repeat and amplify this request to the international community to support Kenya in its activities where supplementary resources are required to achieve its goals (Comoros);**

142.11. **Take measures to allocate to the National Human Rights Commission the necessary human and financial resources to fulfil its mandate (Costa Rica);**

142.12. **Improve the implementation of the laws that protect the rights of women, girls and children (Costa Rica);**

142.13. **Continue to implement the National Policy and National Plan of Human Rights (Cuba);**

142.14. **Finalize the process of adoption of the national policy and plan of action for human rights and pursue relentlessly its programme "Vision 2030" aimed at reducing the number of persons living in poverty (Democratic Republic of the Congo);**

142.15. **Adopt the human rights action plan elaborated recently (Djibouti);**

142.16. **Further strengthen the monitoring and evaluation efforts on women's empowerment and child protection (Ethiopia);**

142.17. **Ensure that human rights and fundamental freedoms enshrined in its Constitution are protected in the fight against terrorism and the national security plan and actions; pay particular attention to safeguarding the rights and safety of minorities and marginalized groups, as well as human rights defenders, refugees and stateless persons; address root causes of insecurity and radicalization and point out the need for a comprehensive counter-radicalization strategy (Finland);**

142.18. **Continue to respect, protect, promote and fulfil all the rights and fundamental freedoms as stipulated in the bill of rights (Ghana);**

142.19. **Ensure the full and continued implementation of the various legislations put in place to safeguard the human rights and fundamental freedoms of all persons (Ghana);**

142.20. **Speed up the implementation of human rights legislations into concrete policies (Indonesia);**

142.21. **Continue its efforts to enhance human rights (Kuwait);**

142.22. **Ensure an effective implementation of its National Policy and Action Plan on Human Rights in order to further promote and protect human rights of its population (Malaysia);**

142.23. **Expedite the operationalization of the National Policy and Action Plan on Human Rights for more concrete action in this regard (Mauritius);**

142.24. **Establish technical assistance programmes to train civil servants in a pragmatic human rights focused approach (Morocco);**

142.25. **Speed up finalization and adoption of the National Policy and Action Plan on Human Rights, which would provide a concrete national framework for the promotion and protection of human rights in Kenya (Netherlands);**

142.26. **Continue its efforts towards national reconciliation and strengthen the National Human Rights Commission in conformity with the Paris Principles (Niger);**

142.27. **Develop a national action plan for the implementation of the Guiding Principles on Business and Human Rights (Norway);**

142.28. **Allocate adequate resources to implement affirmative action policies for the protection and advancement of rights of women and girls (Philippines);**

142.29. **Implement Security Council resolution 1325 (2000) and related resolutions on women, peace and security (Estonia);**

142.30. **Adopt a national action plan on Security Council resolution 1325 (2000) on women, peace and security (Portugal);**

142.31. **Develop human rights indicators, as suggested by the Office of the United Nations High Commissioner for Human Rights (Portugal);**

142.32. **Continue implementation of national programmes in the sphere of education and health care (Russian Federation);**

142.33. **Provide comprehensive support to the institution of the family (Russian Federation);**

142.34. **Submit overdue reports to the relevant treaty bodies (Sierra Leone);**

142.35. **Extend an open invitation to the special procedures (Turkey);**

142.36. **Continue to cooperate with the United Nations human rights mechanisms within the framework of implementation of ratified international instruments (Uzbekistan);**

142.37. **Extend a standing invitation to all Human Rights Council mandate holders (Latvia);**

142.38. **Effectively cooperate with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Lithuania);**

142.39. **Extend a standing invitation to all special procedures (Portugal);**

142.40. **Develop targeted public campaigns to address gender stereotypes and discriminatory practices (Slovenia);**

142.41. **Adopt a comprehensive anti-discrimination law affording protection to all individuals, irrespective of their sexual orientation or gender identity (Sweden);**

142.42. **Continue efforts aimed at the elimination of harmful practices and stereotypes that discriminate against women (Egypt);**

142.43. **Guarantee gender equality and women's rights, including sexual and reproductive health rights (Estonia);**

142.44. **Eliminate stereotypes and harmful practices against women (including female genital mutilation, wife inheritance, and forced and early marriage) (Estonia);**

142.45. **Continue its efforts towards ensuring gender equality in the field of education, health and employment (India);**

142.46. **Continue to actively implement all these adopted measures, to safeguard women empowerment and promote gender equality (Israel);**

142.47. **Prosecute the perpetrators of trafficking and sexual exploitation of women and children (Sierra Leone);**

142.48. **Ensure the strict enforcement of the laws prohibiting early marriage (Sierra Leone);**

142.49. **Set up special units in the justice and health systems to deal with gender-based violence and discrimination (Spain);**

142.50. **End early marriages and the trafficking of minors (Spain);**

142.51. **Take all possible efforts to strengthen protection for women and children against discrimination and violence (Sri Lanka);**

142.52. **Take all measures to guarantee that the Prohibition of Female Genital Mutilation Act 2011 is fully implemented (Timor-Leste);**

142.53. **Ensure that harmful practices and stereotypes that discriminate against women are eliminated (Timor-Leste);**

142.54. **Continue efforts to combat all forms of violence against women, in particular female genital mutilation (Togo);**

142.55. **Consider increasing efforts to address the sexual exploitation of women and girls (Trinidad and Tobago);**

142.56. **Intensify awareness-raising campaigns about albinism to combat prejudice, stigmatization, discrimination and violence against persons with albinism (Togo);**

142.57. **Follow through on the Government's commitment to investigate the killing of activist Hassan Guyo, and thoroughly investigate all extrajudicial killings in Kenya, with a view of ensuring accountability (United States of America);**

142.58. **Establish a moratorium on executions, with a view to abolishing the death penalty for all crimes (Uruguay);**

142.59. **Implement legal and institutional measures to eliminate the discrimination and the harmful practices and stereotypes against women, particularly the harmful practices in connection with reproductive health, and further increase Government funding for women (Albania);**

142.60. **Take further efforts against the trafficking of children and eliminate child labour by enforcing compulsory education (Albania);**

142.61. **Raise the public awareness on the abolition of the death penalty and continue the efforts towards abolishing the death penalty (Albania);**

142.62. **Strengthen the implementation of measures in order to achieve the prohibition of female genital mutilation (Angola);**

142.63. **Continue to make efforts to abolish the death penalty (Angola);**

142.64. **Promptly and impartially investigate all allegations of torture and ill-treatment and strictly hold perpetrators accountable (Austria);**

142.65. **Strengthen measures to eradicate female genital mutilation and child marriage (Austria);**

142.66. **Continue implementing decisive measures to prevent and eliminate cases of sexual exploitation of women and children (Belarus);**

142.67. **Fully implement the Prohibition of Female Genital Mutilation Act 2011 (Canada);**

142.68. **Step up efforts to combat all forms of sexual violence against women (Chile);**

142.69. **Boost measures intended to achieve the elimination of all forms of ill-treatment of girls and women; in particular, strengthen efforts focusing on those communities still engaged in female genital mutilation (Colombia);**

142.70. **Put in place a national policy for protection and assistance for street children and persons with albinism (Djibouti);**

142.71. **Seek to effectively combat child labour by means of, inter alia, enforcing compulsory education, as stipulated in national policies (Egypt);**

142.72. **Continue fighting harmful traditional practices, including female genital mutilation (Ethiopia);**

142.73. **Strengthen the measures to combat violence against women and draw up proper indicators to evaluate progress (France);**

142.74. **Continue to ensure the full implementation of legislation on the eradication of the harmful practice of female genital mutilation (Ghana);**

142.75. **Redouble efforts to eliminate extra-judicial killings and acts of violence and torture, and to educate military and police personnel on human rights principles (Holy See);**

142.76. **Introduce an efficient mechanism for monitoring the implementation of the Prohibition of Female Genital Mutilation Act 2011 (Lithuania);**

142.77. **Combat the trafficking and sexual exploitation of women and girls by means of adoption of a comprehensive national action plan in this domain (Lithuania);**

142.78. **Pursue eradicating child labour in Kenya by enforcing compulsory education (Lithuania);**

142.79. **Ensure that legislation to counter torture goes beyond just police forces and instead covers all public bodies, and that it includes mechanisms for giving reparations to victims (Mexico);**

142.80. **Take measures to develop an integral plan of action to combat trafficking and the sexual exploitation of women and girls, including through medical and psychological assistance to victims of these crimes (Mexico);**

142.81. **Step up efforts to combat child labour with a view to its progressive eradication in a given time frame (Mexico);**

142.82. **Adopt the bill on persons deprived of liberty (Morocco);**

142.83. **Continue addressing the issues of sexual exploitation of women and girls (Myanmar);**

142.84. **Take the necessary measures to eliminate the vulnerability of girls and women to sexual exploitation (Namibia);**

142.85. **Implement fully the Prohibition of Female Genital Mutilation Act 2011 and the review of the policy on female genital mutilation (Poland);**

142.86. **Make further efforts to properly handle the case of discrimination and violence against women, including the prosecution of alleged perpetuators (Republic of Korea);**

142.87. **Continue its efforts towards the abolition of the death penalty (Rwanda);**

142.88. **Criminalize torture, in line with international human rights obligations, and fight extrajudicial executions, through, inter alia, capacity-building for State agents (Brazil);**

142.89. **Adopt measures to guarantee effective access to protection and redress for women victims of violence, and strengthen the National Commission on Gender Equality in order to fulfil its mandate (Brazil);**

142.90. **Conform the juvenile justice system to be in accordance with international standards so as to prevent children from being legally accountable in courts (Serbia);**

142.91. **Continue efforts in support of the Truth, Justice and Reconciliation Commission (South Africa);**

142.92. **Fully cooperate with the International Criminal Court and protect witnesses (Switzerland);**

142.93. **Continue to cooperate with the Prosecutor of the International Criminal Court (Timor-Leste);**

142.94. **Continue its efforts on enhanced enforcement, institutional capacity-building and awareness-raising in the fight against corruption (Turkey);**

142.95. **Continue its 2012–2016 project on judicial transformation, by inserting changes at the level of the judicial authority by setting up appropriate strategies to enhance access and the expeditious delivery of justice (United Arab Emirates);**

142.96. **Work alongside parliament to ensure that the report of the Truth, Justice and Reconciliation Commission and its recommendations are implemented, in particular on access to justice for victims of post-election violence (United Kingdom of Great Britain and Northern Ireland);**

142.97. **Continue the judicial reforms, in particular the implementation of the 2012–2016 framework of transformation of the judicial system (Algeria);**

142.98. **Continue to ensure respected principles of social equality and guarantee access to justice for vulnerable groups (Angola);**

142.99. **Ensure greater accountability and transparency of police and security forces, including by publishing the results of investigations by the Independent Policing Oversight Authority (Australia);**

142.100. **End impunity for the perpetrators of violence related to the 2007 elections (Austria);**

142.101. **Implement the recommendations made by the Truth, Justice and Reconciliation Commission, including investigation and punishment of those responsible for serious human rights violations and reparation for victims of such violations (Argentina);**

142.102. **In line with the conclusions of the report produced by the Truth, Justice and Reconciliation Commission in 2013, take all necessary steps to put in place a programme to give reparations to all victims of the 2007–2008 post-electoral violence (Belgium);**

142.103. **Continue to strengthen internal accountability mechanisms for all security agencies, including by investigating and prosecuting members of security agencies responsible for human rights violations (Canada);**

142.104. **Broadly disseminate the report of the Truth, Justice and Reconciliation Commission, and establish a legislative and administrative framework for the effective implementation of its recommendations (Chile);**

142.105. **Raise the age of criminal responsibility so that it complies with international standards as set out by the Convention on the Rights of the Child (Czech Republic);**

142.106. **Ensure full respect for human rights by law enforcement agencies and ensure that violations are subjected to judicial prosecutions (France);**

142.107. **Fight against impunity of perpetrators of violence after the 2007 elections and ensure the follow up to the recommendations of the Truth, Justice and Reconciliation Commission (France);**

142.108. **Move to implement the recommendations towards national reconciliation proposed by the Truth, Justice, and Reconciliation Commission (Japan);**

142.109. **Investigate and bring to justice alleged perpetrators of all cases of torture and use of excessive force by security forces (Latvia);**

142.110. **Fully cooperate with the Office of the Prosecutor of the International Criminal Court in line with the obligations of Kenya under the Rome Statute (Latvia);**

142.111. **Continue to strengthen all its anti-corruption institutions (Lesotho);**

142.112. **Continue to cooperate with the International Criminal Court, in particular by taking all necessary measures to ensure the safety and security of witnesses and victims (Liechtenstein);**

142.113. **Take further measures at the national level to prevent impunity of the perpetrators of the post-election violence (Liechtenstein);**

142.114. **Raise the age of criminal responsibility in line with international standards (Lithuania);**

142.115. **Take the requisite measures to safeguard the independence of the judiciary, thereby strengthening this branch of Government (Namibia);**

142.116. **Duly consider the recommendations contained in the report of the Truth, Justice and Reconciliation Commission (Namibia);**

142.117. **Continue its active engagement with its international and regional partners towards surmounting technical and financial constraints in implementing the recommendations of the Truth, Justice and Reconciliation Commission, especially those that pertain to human rights (Philippines);**

142.118. **Continue judicial reform, including through the implementation of framework programme for judicial reform 2012–2016, as well as the creation of the Judges and Magistrates Vetting Board, and by reforming the police and penitentiary system (Russian Federation);**

142.119. **Adopt a national programme of action on the fight against corruption (Russian Federation);**

142.120. **Continue reform of the judiciary and the penitentiary system (Senegal);**

142.121. **Review its national laws and policies in order to ensure that surveillance of digital communications is consistent with its international human rights obligations and is conducted on the basis of a legal framework which is publicly accessible, clear, precise and non-discriminatory (Liechtenstein);**

142.122. **Institute further administrative measures to secure the equitable representation and participation of women in governance (Serbia);**

142.123. **Ensure that attacks against human rights defenders are properly investigated and their perpetrators are prosecuted (Slovakia);**

142.124. **Review the Kenya Information and Communication (Amendment) Act and the Media Council Act in order to safeguard that the principles of the Kenyan Constitution are guaranteed and upheld (Sweden);**

142.125. **Implement fully the 2013 Public Benefits Organizations Act, and safeguard rights and space for civil society, in line with the Kenyan Constitution (Sweden);**

142.126. **Take all the necessary measures to bring to an end attacks on journalists and ensure that the Information and Communication Act is in line with the human rights obligations of Kenya, in particular press freedom (Switzerland);**

142.127. **Review all new legislation to ensure consistency with International Human Rights Law and the Constitution, consulting broadly to build a national consensus and protect the role of an active civil society (United Kingdom of Great Britain and Northern Ireland);**

142.128. **Implement the 2013 Public Benefits Organizations Act, and ensure that any amendments to the Act are undertaken in consultation with civil society (United States of America);**

142.129. **Guarantee freedom of expression, press, associations and peaceful assembly of journalists, activists and participants in demonstrations (Uruguay);**

142.130. **Continue efforts to increase the participation of women in elected assemblies (Algeria);**

142.131. **Ensure full respect for freedom of expression and the press (Australia);**

142.132. **Take measures to address all allegations of abuse or intimidation against human rights defenders by the security forces, and integrate human rights education into police training programmes (Botswana);**

142.133. **Repeal or amend any laws that may constrain or limit a vibrant civil society, in line with international human rights obligations and the Constitution of Kenya (Canada);**

142.134. **Strengthen measures to ensure gender equality in law and in practice, in particular by applying positive measures for the participation of women in public life and the private sector (Colombia);**

142.135. **Respect the provisions of the Constitution on human rights in its amendments to the Public Benefit Organizations Act and amendments to media laws (Denmark);**

142.136. **Ensure that non-governmental organizations and human rights defenders can freely conduct their activities (France);**

142.137. **Create and maintain, in law and in practice, a safe and enabling environment in which human rights defenders and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council resolutions 22/6 and 27/31 (Ireland);**

142.138. **Ensure, in both legislation and its implementation, freedom of expression and freedom of the press as guaranteed in its Constitution (Japan);**

142.139. **Continue efforts to achieve as rapidly as possible the threshold of 30 per cent women in Parliament, as recommended by the Kenyan Constitution (Mauritania);**

142.140. **Ensure that laws enacted to regulate non-governmental organizations will not undermine their independence or unduly restrict their activities in the defence of human rights (Netherlands);**

142.141. **Pursue efforts to fully recognize women rights, their empowerment and participation in decision-making (Nicaragua);**

142.142. **Ensure strong public statements recognizing the legitimate and important role of human rights defenders and that all alleged attacks against human rights defenders are promptly and thoroughly investigated and that perpetuators are held accountable (Norway);**

142.143. **Fully implement the Public Benefit Organizations Act as soon as possible (Norway);**

142.144. **Increase representation of women in decision-making bodies (Senegal);**

142.145. **Allocate more resources to social protection, including cash transfers to the most vulnerable groups in the society (South Africa);**

142.146. **Continue its efforts to alleviate poverty reduction (South Sudan);**

142.147. **Approve and implement the Water Bill as a matter of urgency, particularly for rural and suburban communities (Spain);**

142.148. **Continue its efforts in implementing national policy frameworks to eradicate poverty, unemployment and ensure equality (Sri Lanka);**

142.149. **Take all necessary measures to provide individuals that are under threat of being forcibly evicted with full protection against forced eviction in line with international obligations and commitments (Switzerland);**

142.150. **Continue to strengthen social protection programmes developed on behalf of its people, especially the population most in need (Venezuela (Bolivarian Republic of));**

142.151. **Continue to strengthen its successful educational policies in order to provide the greatest welfare and quality of life to its people (Venezuela (Bolivarian Republic of));**

142.152. **Continue its efforts to adopt a development policy to reduce poverty in order to protect and promote human rights (Yemen);**

142.153. **Accelerate efforts to empower those living below the poverty line through alleviation schemes (Zimbabwe);**

142.154. **Implement specific standards and regulations ensuring affordable water, sanitation and food for the most vulnerable groups and the barriers and challenges to poverty alleviation are properly addressed (Albania);**

142.155. **Continue its national efforts, with the support and assistance of the international community, for the promotion and protection of human rights, particularly in the realization of economic, social and cultural rights of the people of Kenya (Bangladesh);**

142.156. **Strengthen its efforts to eradicate poverty and hunger in the country (Bangladesh);**

142.157. **Continue the initiatives to promote and protect its people's right to adequate housing (Brunei Darussalam);**

142.158. **Continue to promote poverty alleviation and enhance poverty reduction of women and children and people with disabilities (China);**

142.159. **Allocate more resources to social protection (Cuba);**

142.160. **Continue efforts to ensure effective respect for the right to property by facilitating registration of property deeds (France);**

142.161. **Improve social policies to combat social inequalities and poverty, in particular youth unemployment (Holy See);**

142.162. **Continue the implementation of poverty eradication programmes including by allocating sufficient national budget for those programmes that impact directly on the lives of the people of Kenya (Indonesia);**

142.163. **Continue the measures for poverty reduction (Myanmar);**

142.164. **Further promote economic empowerment programmes and job creation to prevent the radicalization of young people (Myanmar);**

142.165. **Take measures towards the adherence to the World Health Organization standards on health service delivery (Serbia);**

142.166. **Continue its efforts to implement the adopted strategies, in particular the National Reproductive Health Strategy 2009–2015 (Sudan);**

142.167. **Intensify its efforts to improve health infrastructure as well as the quality and delivery of health services, including access to reproductive health information and contraceptives for women in marginalized areas (Thailand);**

142.168. **Consider continuing efforts to secure and retain adequate medical personnel in hardship and marginalized areas (Trinidad and Tobago);**

142.169. **Promote health and sanitary practices for the safety of mothers and their children, and uphold continually the inherent right to life (Holy See);**

142.170. **Continue to prioritize resources to equip its young people with the necessary education and skills to thrive in the global economy (Singapore);**

142.171. **Consider taking measures to increase the access of low-income children to education (Trinidad and Tobago);**

142.172. **Consider taking steps to increase opportunities to access higher education (Trinidad and Tobago);**

142.173. **Diligently work towards achieving its noble target to ensure free primary and secondary education schooling (Zimbabwe);**

142.174. **Further increase initiatives for the promotion of the right to education, especially for vulnerable children (Armenia);**

142.175. **Continue efforts aimed at enhancing the realization of the right to education and improving its quality (Egypt);**

142.176. **Strengthen effectively the protection of the rights of indigenous peoples, including to their ancestors' lands (Cabo Verde);**

142.177. **Take measures to protect and promote the rights of all ethnic minorities, including their participation in political representation entities, in public sphere and in economy (Colombia);**

142.178. **Take measures to provide for the representation of ethnic minorities in the government organs, organs and committees established in the new constitutions, and elected bodies, such as parliament (Costa Rica);**

142.179. **Continue implementing the legislation on the protection of the rights of indigenous peoples and their lands, as well as the anti-discrimination laws, especially with regard to religion and physical conditions such as albinism (Holy See);**

142.180. **Continue to uphold the rights of indigenous peoples and minorities, including vulnerable groups (Senegal);**

142.181. **Maintain its important humanitarian effort in cooperation with the international community and particularly the Office of the United Nations High Commissioner for Refugees in full respect of international refugee law (Belgium);**

142.182. **That no refugees should be forcibly returned to Somalia when conditions for their safe reestablishment are not present (Belgium);**

142.183. **Abide by the principle of non-refoulement and take steps to ensure that refugees/asylum seekers are not returned (Republic of Korea);**

142.184. **Ensure that all counter-terrorism measures carried out fully comply with the international law obligations of Kenya (Austria);**

142.185. **Enact legislation on counter-terrorism and ensure its full implementation (Botswana);**

142.186. **Ensure that all counter-terrorism measures undertaken fully comply with the Constitution, the rule of law and international human rights obligations (Canada);**

142.187. **Ensure that all steps taken to combat terrorism fully respect the Constitution and the rule of law (Chile);**

142.188. **Consider redoubling its efforts in the fight against terrorism (Lesotho);**

142.189. **Properly investigate extrajudicial killings and bring to justice alleged perpetrators, to ensure that all police and counter-terrorism activities are carried out in compliance with the country's international obligations (Lithuania);**

142.190. **Ensure that national security is pursued in a broad-based and inclusive manner and in full compliance with the Constitution and international human rights obligations (Norway);**

142.191. **Continue strengthening counter terrorism measures (Rwanda);**

142.192. **Ensure that all security and counter-terrorism operations strictly comply with human rights standards, the rule of law, as well as with the Constitution of Kenya by, for example, enacting the Prevention of Torture Bill (Germany).**

143. **The recommendations below did not enjoy the support of Kenya and would thus be noted:**

143.1. **Ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families (Sierra Leone);**

143.2. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);**

143.3. **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Sierra Leone);**

143.4. **Accede to the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone);**

143.5. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia);**

143.6. **Accede to the Agreement on the Privileges and Immunities of the International Criminal Court and implement it fully at the national level (Slovakia);**

143.7. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Timor-Leste);**

143.8. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Togo);**

143.9. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations and incorporate it into domestic law (Uruguay);**

143.10. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay);**

143.11. **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Uruguay);**

143.12. **Ratify the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

143.13. **Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and sign the International Convention for the Protection of All Persons from Enforced Disappearance (Cabo Verde);**

143.14. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Chile);**

143.15. **Sign and ratify the Optional Protocol to the International Convention on the Rights of Persons with Disabilities (Chile);**

143.16. **Ratify Convention No. 169 of the International Labour Organization (Chile);**

143.17. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);**

143.18. **Accede to the Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Estonia);**

143.19. **Accede to the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);**

143.20. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Germany);**

143.21. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; adopt respective amendments to the Children's Act of 2001; and fully implement the National Plan of Action on Children 2013–2017 (Germany);**

143.22. **Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in the light of the ongoing review of Kenya's refugee law (Ghana);**

143.23. **Accede to all human rights instruments to which it is not yet a party, specifically the Optional Protocol to the Convention Against Torture; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance (Madagascar);**

143.24. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Mali);**

143.25. **Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (Montenegro);**

143.26. **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

143.27. **Accede to the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography (Poland);**

143.28. **Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Portugal);**

143.29. **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Portugal);**

143.30. **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**

143.31. **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Portugal);**

143.32. **Consider expediting the ratifications of the core human rights instruments, including the Optional Protocol to the Convention against Torture and the Optional Protocol to the International Covenant on Civil and Political Rights (Republic of Korea);**

143.33. **Step up its efforts to ratify international human rights instruments that it is not yet a party to, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Philippines);**

143.34. **Allocate more resources to improve the capacity of the various constitutional commissions and oversight offices tasked with the promotion and protection of human rights in order to strengthen the implementation of their mandates (Thailand);**

143.35. **Strengthen the efforts to respect and protect women's rights and gender equality. This includes an effective implementation of an inter-sectorial policy and action plan on reproductive and sexual health and rights and prevention of violence against women (Finland);**

143.36. **Repeal legal provisions that foresee penalties against lesbian, gay, bisexual or transgender persons, in order to respect the principle of non-discrimination (France);**

143.37. **Ensure that the Security Laws Amendment Act is in line with human rights, limiting pretrial detention and not subjecting demonstrations to the approval of the Council of Ministers (Spain);**

143.38. **Formalize its moratorium on the death penalty with a view to its full abolition (Australia);**

143.39. **Abolish the death penalty (France);**

143.40. **Complete the process of abolition of the death penalty (Gabon);**

143.41. **Take concrete steps to abolish the death penalty (Ireland);**

143.42. **Accelerate progress towards abolishing the death penalty (Lithuania);**

143.43. **Abolish capital punishment and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Portugal);**

143.44. **Abolish the death penalty (Poland);**

143.45. **Implement the reconciliation put forth by the Independent Policing Oversight Authority's 2014 reports on the "Usalama Watch" security operation and on the Mpeketoni attacks (United States of America);**

143.46. **Decriminalize sexual relations between consenting adults of the same sex (Slovenia);**

143.47. **Decriminalize consenting relationships between adults of the same sex and adopt measures against violence and hate speech against lesbian, gay, bisexual, transgender or intersex persons and associations (Chile);**

143.48. **Decriminalize consensual same-sex conduct between adults (Denmark);**

143.49. **Decriminalize sexual relation between consenting adults of the same sex (Poland);**

143.50. **Amend provisions under the recently adopted security law to ensure that Kenya's international human rights obligations are respected, in particular with regard to the right to freedom of expression (Austria);**

143.51. **Operationalize the Public Benefits Organizations Act of 2013 as a law facilitating an independent and unhindered work of civil society, and refrain from enacting restrictive requirements with stifling effect on the country's non-governmental organizations, their functioning and funding (Czech Republic);**

143.52. **Review the compliance of the Kenya Information Communication (Amendment) Act of 2013 with international standards on freedom of expression, create an enabling environment for journalists and bloggers and decriminalize media offences and defamation (Czech Republic);**

143.53. **Ensure that laws regulating non-governmental organizations are in conformity with the rights to freedom of expression and association by repealing restrictions on the access of such organizations to foreign funding (Germany);**

143.54. **Proceed to the swift enactment of the draft laws on the freedom of information, as mentioned in paragraph 41 of its National Report, and to the urgent overall review of the penal treatment of freedom of expression offences, especially with regard to the protection of journalists (Greece);**

143.55. **Enact without delay the 2013 Access to Information Bill and Data Protection Bill (Latvia);**

143.56. **Abolish criminal sanctions for media offences (Latvia);**

147.57. **Decriminalize defamation to ensure that journalists are able to practise in a free and safe environment; investigate all attacks on journalists (Lithuania);**

143.58. **Meet the stated commitment under the Maputo Declaration of allocating at least 10 per cent of the State budget to agriculture development (Slovenia);**

143.59. **Increase the health budget allocation to the recommended minimum of 15 per cent of gross domestic product, in line with commitments under the Abuja Declaration, and expedite the process of implementing universal health-care coverage (Slovenia);**

143.60. **Ensure that women have access to legal and safe abortions, especially in cases of pregnancies resulting from rape or incest (Slovenia);**

143.61. **Adopt legal and administrative measures to ensure freedom of movement and other basic rights of refugees; in particular, apply appropriate exemption categories for persons with specific protection needs in order to allow their continued stay in urban centres and avoid forced relocation, avoiding family separations among refugees and asylum seekers (Argentina).**

144. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[English only]

Composition of the delegation

The delegation of Kenya was headed by H.E. Prof. Githu Muigai, Attorney General of the Republic and composed of the following members:

- H.E. Dr. John O. Kakonge, Ambassador/Permanent Representative, Permanent Mission of Kenya to the United Nations Office in Geneva;
- Mrs. Maryann Njau-Kimani, OGW, Senior Deputy Solicitor General (Justice), Office of the Attorney General and Department of Justice;
- Mrs. Emily Achieng Chweya, Deputy Chief Legal Officer, Office of the Attorney General and Department of Justice;
- Mrs. Winfred Osimbo LICHUMA, Chairperson, the National Gender and Equality Commission;
- Mrs. Ann AMADI, Chief Registrar, the Judiciary;
- Mr. Michael Jonyo Wiso, Senior Legal Officer, the Directorate of Criminal Investigations;
- Ms. Ciatiria Zipporah Mboroki, Police Spokesperson, Kenya Police Service;
- Mrs. Rodah Adema Amulele Ogoma, Assistant Director of Public Prosecutions, Office of the Director of Public Prosecutions;
- Ms. Josephine Sinyo, Deputy Chief State Counsel, Kenya Law Reform Commission;
- Mr. Antony Mwicigi, Principal Magistrate, the Judiciary;
- Mr. Duncan David Okello, Chief of Staff, the Judiciary;
- Mr. James Kihwaga, Minister Counselor, Permanent Mission of Kenya to the United Nations Office in Geneva;
- Ms. Beatrice W. Mwaura, Foreign Service Officer, Ministry of Foreign Affairs and International Trade.